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January 28, 2022

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18D
New York, New York 10007

Re: *Hess and Padilla v. Bed Bath & Beyond, Inc.*
Index No. 1:21-cv-4099-AT

Dear Judge Lehrburger:

The undersigned represents Defendant Bed Bath & Beyond Inc. (“BBB”) in this matter. We write pursuant to Your Honor’s Order, dated November 30, 2021 (ECF #45) (the “Order”), to provide a status update on behalf of BBB. BBB sought Plaintiffs’ input and/consent to this letter twice via email over the course of two days, and left a phone message with Plaintiffs’ counsel’s answering service, but have yet to hear back from Plaintiffs’ counsel.

First, Defendant served amended Responses to Plaintiffs’ Requests for Production of Documents, Interrogatories, and Requests to Admit in connection with which the parties continue to meet and confer. In addition, Plaintiff filed a Second Amended Complaint, pursuant to which Judge Torres established a February 8, 2022 deadline for Defendant’s response.

Regarding class sampling for purposes of discovery, Defendant furnished the names of all individuals in the Plaintiff Padilla class, and an anonymized list of individuals in the Plaintiff Hess class during the relevant period of the lawsuit. Plaintiffs are in the process of selecting a sample of five individuals from each location in New York State that operated during the relevant period of the lawsuit.

BBB is readily available to address any questions or issues with respect to the foregoing that Your Honor may have. Thank you for Your Honor’s attention to this matter.

Respectfully submitted,

/s/ Jeffrey H. Ruzal

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The Honorable Robert Lerhburger

January 28, 2022

Page 2

cc: Paul Pagano, Esq. and Steven Moser, Esq. (via ECF)